

SENATE BILL REPORT

ESHB 2884

As Reported By Senate Committee On:
Water, Energy & Environment, February 23, 2006
Ways & Means, February 27, 2006

Title: An act relating to reclaimed water.

Brief Description: Concerning the use of reclaimed water.

Sponsors: House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville and McCoy).

Brief History: Passed House: 2/14/06, 78-19.

Committee Activity: Water, Energy & Environment: 2/23/06 [DPA-WM, DNP, w/oRec].
Ways & Means: 2/27/06 [DPA, w/oRec].

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Morton, Ranking Minority Member; Honeyford and Mulliken.

Minority Report: That it be referred without recommendation.

Signed by Senator Delvin.

Staff: Margaret King (786-7416)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau.

Minority Report: That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member; Brandland, Parlette, Pflug, Roach and Schoesler.

Staff: Kirstan Arestad (786-7708)

Background: Reclaimed water is an effluent derived from a wastewater treatment system that has been treated to be suitable for a beneficial use or a controlled use that otherwise would not occur. Reclaimed water may be used for a variety of nonpotable water purposes, including

irrigation, agricultural uses, industrial and commercial uses, streamflow augmentation, dust control, fire suppression, surface percolation, and discharge into constructed wetlands.

The Department of Health issues permits to water generators for commercial or industrial uses of reclaimed water. The Department of Ecology issues reclaimed water permits for land applications of reclaimed water.

The Departments of Health and Ecology were required to adopt a single set of standards, procedures, and guidelines for industrial and commercial uses and land applications of reclaimed water. These standards were adopted in the mid-1990s, and resulted from consultation with an advisory committee of interested stakeholders. The 1990 standards are now outdated in relation to many federal standards and do not address certain issues that have been identified in the process of the construction of a few reclaimed water projects.

Summary of Amended Bill: By no later than the end of 2010, the Department of Ecology is required to adopt rules for reclaimed water use. These rules must be adopted in coordination with the Department of Health, and in consultation with an advisory committee made up of interested stakeholders. The role played by the Department of Health in the management and regulation of reclaimed water will be conditional on the outcome of the rules adopted by the Department of Ecology. If the Department of Ecology does not adopt rules for commercial and industrial uses that specify otherwise, the Department of Health may issue permits and require certain information for industrial and commercial uses of reclaimed water.

The rules must address all aspects of reclaimed water use, including industrial uses, surface percolation, and stream flow augmentation. Two interim progress reports must be delivered to the Legislature prior to the final rule adoption in 2010.

The definition for "land application" is amended by replacing the term "effluent" with the term "reclaimed water." The definition for "constructed treatment wetlands" is amended so that the primary purpose of such wetlands is "polishing reclaimed water or aesthetics" instead of "wastewater or storm water treatment." All definitions are alphabetized.

Ways & Means Amended Bill Compared to Water, Energy & Environment Amended Bill: The Ways and Means amendment removes the restriction that updates to the reclaimed water rules, in the future, may not occur without specific legislative authority. The amendment also reinstates language in the existing definition of "land application" to refer to reclaimed water use for residential, business, and governmental purposes; removes the amendment to the definition of "constructed beneficial use wetlands;" and limits the changes to the definition of "constructed treatment wetlands."

Water, Energy & Environment Amended Bill Compared to Substitute Bill: The definition for "land application" is amended, two definitions regarding wetlands are added, and all definitions are alphabetized. The Department of Health's role with respect to permits for commercial and industrial uses of reclaimed water is clarified. A new section regarding use of reclaimed water for mitigation is added.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Water, Energy & Environment): The most important part of the bill is the rule development provisions that require an update to the standards. While there are a number of policy issues that have arisen during the process of building treatment facilities, most of these issues can be addressed in the rule making process; however, adding definitions for certain types of created wetlands is an issue that currently needs to be addressed for existing and pending projects. Reclaimed water should be considered with respect to potential funding because there is an environmental component to reclaimed water use. Rule making should occur before 2010.

Testimony Against (Water, Energy & Environment): None.

Who Testified (Water, Energy & Environment): PRO: Ed Thorpe, Director Coalition for Clean Water; Karla Fowler, LOTT Alliance (Cities of Lacey, Olympia, Tumwater and Thurston County); Kathleen Collins; WA Water Policy Alliance; Scott Hazlegrove, WA Association of Sewer and Water Districts; Stan Bowman; American Institute of Architects WA Council.

Signed in, Unable to Testify & Submitted Written Testimony: Melodie Selby; Department of Ecology; Maryanne Guichard, Department of Health.

Testimony For (Ways & Means): Reclaimed water laws have served us well for many years, but new techniques have arisen. Therefore an advisory committee to examine the statute to come up with proposed rules will provide some certainty to communities when examining reclaimed water projects. Funds are available in the House budget.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): PRO: Ed Thorpe, Coalition for Clean Water.